

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

MICHAEL GLENN EVANS,
Plaintiff,

No. 1:14-cv-145-CL

v.

JACKSON COUNTY, et al.,

ORDER

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles de novo. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with Magistrate Judge Clarke that plaintiff stated a claim against Jackson County for an alleged custom of using excessive force against inmates, but did not state a claim for the alleged ratification of excessive force. I also agree that plaintiff should have leave to file an amended complaint.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#12) is adopted. Defendants' partial motion to dismiss (#6) is granted without prejudice as to plaintiff's Monell ratification claim and denied as to plaintiff's Monell custom claim. Plaintiff has leave to file an amended complaint within thirty days of this order.

IT IS SO ORDERED.

DATED this 24 day of July, 2014.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE